

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LeCHRISTIAN STEPTOE,

Plaintiff,

v.

5:09-CV-1132 (NPM/DEP)

THE CITY OF SYRACUSE and
THE GENESEE GRAND HOTEL,

Defendants.

APPEARANCES

OF COUNSEL

LeCHRISTIAN STEPTOE
Plaintiff, pro se
1108 East Genesee Street, Apt. 302
Syracuse, New York 13210

City of Syracuse Law Department
Attorney for defendant City of Syracuse
233 East Washington St., 300 City Hall
Syracuse, New York 13202

Costello, Cooney & Fearon, PLLC
Attorneys for Genesee Grande Hotel
205 South Salina St., 4th Floor
Syracuse, New York 13202

Joseph R.H. Doyle, Esq.

Robert W. Connolly, Esq.
David P. Doherty, Esq.
Paul G. Ferrara, Esq.

NEAL P. McCURN, Senior U.S. District Court Judge

MEMORANDUM - DECISION AND ORDER

This is an action brought by pro se plaintiff LeChristian Steptoe (“plaintiff”) pursuant to 42 U.S.C. § 1983, alleging a violation of his civil rights by defendants City of Syracuse (“City”) and The Genesee Grande Hotel (“Hotel”). On November 1, 2011, Magistrate Judge David E. Peebles (“MJ Peebles”) issued a Report and Recommendation (“Report-Recommendation”) (Doc. No. 139) pursuant to the defendants’ motions for summary judgment (Doc. Nos. 126, 128), recommending that summary judgment be granted. In addition, the magistrate recommended that judgment be entered in favor of defendant Hotel and against the plaintiff in the amount of \$3,235 (the sum awarded in costs and attorney’s fees on July 14, 2011 (Doc. No. 124)), and that the defendants be awarded attorney’s fees in connection with defendant City’s motion for sanctions (Doc. No. 117). Plaintiff notified the court that he did not oppose the motions for summary judgment (Doc. No. 131), and he did not file an objection to the Report-Recommendation.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge....” 28 U.S.C. § 636(b)(1)(C) (West 2011). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific written” objections, and must be

submitted “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed.R.Civ.P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). As noted supra, plaintiff did not oppose the Report-Recommendation.

MJ Peebles has submitted a comprehensive and well-reasoned Report-Recommendation for the court’s review. Included is the magistrate’s recommendation that the court review the defendants’ summary judgment motions and, if appropriate, enter a merits-based determination in defendants’ favor, rather than dispose of plaintiff’s claims on a procedural basis. After thoroughly reviewing the Report-Recommendation, wherein MJ Peebles determined that defendants’ motions for summary judgment were meritorious, and absent objection from the plaintiff, the Report-Recommendation is hereby approved and adopted in its entirety.

The defendants’ motions for summary judgment (Doc. Nos. 126, 128) are hereby GRANTED on the merits of each as set forth in the Report-Recommendation. The Clerk is instructed to enter judgment in favor of defendant Hotel and against the plaintiff in the amount of \$3,235 for costs and attorney’s fees pursuant to the order of this court entered on July 14, 2011(Doc. No. 124). In addition, counsel for the defendants are hereby afforded the opportunity to file submissions quantifying their costs and attorney’s fees associated with the

defendant City's motion for sanctions within fourteen days of the issuance of this order, and plaintiff will be permitted to respond to said submissions within fourteen days thereafter.

SO ORDERED.

November 29, 2011

Neal P. McCurn
Neal P. McCurn
Senior U.S. District Judge